

Message Text

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PAGE 01 STATE 061527
ORIGIN SCS-06

INFO OCT-01 ISO-00 L-03 EA-12 /022 R

DRAFTED BY CA/SCS; EMARNOLD;SJD
APPROVED BY CA/SCS; FXLAMBERT
-----051182 101434Z /43
R 100220Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY PORT MORESBY

UNCLAS STATE 061527

E.O. 11652: N/A

TAGS: CDES (LESHAY, MAURICE)

SUBJECT: DISPOSITION OF ESTATE

REF: (A) PORT MORESBY 0344 (B) STATE 052872

IN VIEW OF POST'S STATEMENT REFTEL A THAT MAURICE LESHAY'S WILL INTENDED TO OPERATE LOCALLY AND EXECUTOR NAMED IN WILL WAS PRESENT IN PNG AT TIME OF DEATH, CONOFF SHOULD TAKE NO FURTHER ACTION WITH RESPECT TO ESTATE (SEE 22 USC 1175 AND 7 FAM 444.2-1 AND 444.3-1). IN RESPONSE TO OTHER QUESTIONS RAISED IN REFTEL A, THE FOLLOWING IS OFFERED FOR GUIDANCE:

(1) JOHN ELMER QUALIFIES AS LEGAL REPRESENTATIVE UNDER 22 USC 1175 (7 FAM 444.2-1) BY VIRTUE OF HAVING BEEN NAMED CO-EXECUTOR IN THE WILL AND HAVING BEEN PRESENT AT THE TIME OF MR. LESHAY'S DEATH.

(2) FROM GPNG, AS WILL IS INTENDED TO OPERATE LOCALLY AND ESTATE LOCATED IN PNG.

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(3) NO, SEE NO. 6 BELOW.

(4) THAT WOULD DEPEND ON PROVISIONS OF PNG LAW. IT IS ASSUMED THAT LETTERS WOULD BE ISSUED JOINTLY IN PNG TO MR. ELMER AND MRS. BOTHWELL.

(5) IF MRS. BOTHWELL QUALIFIES AS NEXT OF KIN AND SHE

WISHES GRANT POWER OF ATTY TO MR. ELMER IN THAT CAPACITY, IT SHOULD BE DONE IN MANNER PRESCRIBED UNDER PNG LAW FOR WHATEVER PURPOSE SHE INTENDS IT BE USED. HOWEVER, PROBATE MAY BE REQUIRED IN PNG LAW.

(6) IT APPEARS THAT LOCAL LEGAL REPRESENTATIVE, JOHN ELMER, HAS ALREADY ASSUMED RESPONSIBILITY BY SECURING VALUABLES AND HOUSEHOLD GOODS. IF DIFFICULTIES ARISE LATER, CONOFF SHOULD REFER TO PROVISIONS OF 22 CFR 72.21 (7 FAM 444.3-1) FOR GUIDANCE.

MRS. BOTHWELL HAS NOT YET RESPONDED TO DEPT'S LETTER. MR. ELMER MIGHT CONSIDER MAILING INVENTORY OF VALUABLES AND LIST OF HOUSEHOLD GOODS AND DESCRIPTION OF PERSONAL DOCUMENTS IN HIS POSSESSION (INCLUDING BANK ACCOUNT AND INVESTMENT RECORDS) TO MRS. BOTHWELL TO ASSIST HER IN MAKING DECISION RE DISPOSITION OF HER BROTHER'S ESTATE. VANCE

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